

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DARNELL JACKSON,

Petitioner,

v.

WILLIAM POLLARD, Warden,
Waupun Correctional Institution,

Respondent.

ORDER

11-cv-737-wmc

Petitioner Darnell Jackson has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254, seeking relief from a prison disciplinary proceeding that resulted in the loss of previously earned good-conduct credit. More recently, he filed a motion to expand the record pursuant to Rule 7 of the Rules Governing Section 2254 Cases in the United States District Courts. (Dkt. # 18). This rule allows a party to submit “additional materials” related to a pending habeas corpus petition, including affidavits, “letters predating the filing of the petition, documents, exhibits, and answers under oath to written interrogatories propounded by the judge.”

The materials submitted by Jackson consist principally of an unsigned document that purports to summarize statements made by another inmate and administrative grievance materials from December 2012, which were never before the state courts. Neither type of material is contemplated by Rule 7.

To the extent that Jackson is offering a property receipt for some 40 pages of “confidential statements” that are in possession of prison officials, his motion could be

construed as one seeking discovery. Discovery is limited in habeas corpus proceedings. The Supreme Court has clarified that review under 28 U.S.C. § 2254(d)(1) “is limited to the record that was before the state court that adjudicated the claim on the merits.” *Cullen v. Pinholster*, — U.S. —, 131 S. Ct. 1388, 1398 (2011). To the extent that Jackson seeks additional evidence that was not presented in state court, his request for discovery must similarly be denied.

ORDER

IT IS ORDERED that petitioner Darnell Jackson’s motion to expand the record (Dkt. # 18) is DENIED.

Entered this 9th day of August, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge